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67167-003; 5706-03

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eugenio Mannella

Group Art Unit: 3676

Serial No.: 10/797,884

Examiner: Barrett, Suzanne Lale Dino

Filed: 03/10/2004

Title: UNIVERSAL LOCK CYLINDER

M/S After Final
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**REPLY BRIEF**

Dear Examiner:

This is in reply to the Examiner's Answer mailed on 16 July 2007. The Examiner's Answer raises numerous arguments that require some brief response.

Regarding the §102(b) rejection over Neary, the Examiner argues on page 5 of the Answer that "it would have been obvious to one of ordinary skill in the lock art to consider the fully inserted and assembled key of Neary as part of the plug such that the rear end of the key is considered the rear segment of the plug." Respectfully, whether it would be obvious for one of ordinary skill in the art modify the key to be a plug is not a consideration in an anticipation rejection. Anticipation requires that each and every element recited in the claim is disclosed in the cited reference, which it is not in this rejection.

Regarding the §102(b) rejection over Deckert, the Examiner argues that there was a typographical error in the final office action and that the element 136 is considered to be the plug. The Examiner interprets the plug as including elements 139, 156, and 158. Respectfully, element 139 is an end of the body 130 (see col. 6, lines 21-24), and is not part of the plug 136. Thus, reliance on the plug including element 139 as a basis for the rejection is improper.

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Additionally, even if the interpretation of what constitutes the plug in Deckert is eventually clarified, the rejection does not even consider all of the limitations of claim 1. For example, claim 1 recites that the rear segment "defines a first plane parallel to a second plane" and that the first plane and the second plane are "transverse and offset along said axis." The rejection does not even mention the claimed planes. Also, the rejection does not even mention limitations of other claims listed in the rejection. The features of at least claims 2, 3, 6, 7, 11-13, 18-20, 22, and 23 are not mentioned in the rejection and appear not to have been considered. For example, claim 11 recites "a torque blade comprising a female end." The rejection does not even mention a torque blade.

Regarding the §103(a) rejection over Neary or Deckert in view of Jacobi, the Examiner restates that one of ordinary skill would have recognized the added security enhancement of providing any lock device with a drill-proof surface. Respectfully, the Examiner's response appears to confuse the issues of design choice and motivation. Regarding design choice, whether a worker in the art could rearrange the parts of the references to meet the limitations of the claims is not by itself sufficient to support obviousness (see MPEP 2144). Thus, the rejection must establish proper motivation for combining the references as proposed. Regarding motivation, the Examiner speculates that the sloped surface of Jacobi would provide a security enhancement of a drill-proof surface in Neary or Deckert. Appellant questions the alleged motivation because the rejection does not establish how one of ordinary skill would expect a sloped surface on a retainer arranged deep inside the lock to provide a security enhancement. Thus, the Examiner seems to be relying on personal knowledge or pure speculation that a retainer having a sloped surface would somehow be drill-proof and provide a security improvement.

Additionally, regarding the §103(a) rejection over Neary or Deckert in view of Jacobi, the Examiner does not find Appellant's argument that the proposed modification would change the operation of the base references to be persuasive. However, the Examiner does not provide any explanation of why it is not persuasive. The basis of Appellant's argument is that adding the sloped surface of Jacobi is not arbitrary design choice because the sloped surface would inherently change

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the operation of the lock and thereby require more than simple substitution or rearrangement of the parts. Thus, adding the sloped surface is not a matter of simple design choice.

CLOSING

For the reasons set forth above, the rejection of all of the claims is improper and should be reversed. Appellant respectfully requests such action.

Respectfully submitted,



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